

CEM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Edgar Arturo GONZALEZ-Hernandez

Defendant.

Magistrate Case No.

08 MJ 08 09

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about, **December 26, 2007**, within the Southern District of California, defendant **Edgar Arturo GONZALEZ-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

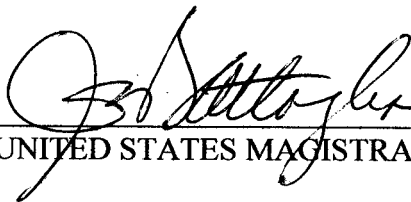
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Deportation Officer

U.S. Immigration &amp; Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **March 2008**.

UNITED STATES MAGISTRATE JUDGE

CEM

**CONTINUATION OF COMPLAINT:**

**NAME: Edgar Arturo GONZALEZ-Hernandez**

**PROBABLE CAUSE STATEMENT**

On December 26, 2007, at about 3:40 a.m., defendant Edgar Arturo GONZALEZ-Hernandez was apprehended by U.S. Border Patrol Agents near Jamul, California. The defendant freely admitted to a Border Patrol Agent that he was in the United States illegally and had no valid documents to reside or travel in the United States. The defendant was arrested for illegal entry and PC 3056, Parole Violation. Defendant was booked into county jail and an Immigration Hold (I-247) was placed pending his release.

On March 13, 2008, defendant was released from Donovan State Prison and referred to the custody of Immigration and Customs Enforcement (ICE) Field Office in San Diego, California. An Immigration Enforcement Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant, Edgar Arturo GONZALEZ-Hernandez, had a Final Administrative Removal Order and was removed to Mexico, via the Calexico, California, Port of Entry on May 31, 2007. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT and Automated Fingerprint Identification System IAFIS were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Edgar Arturo GONZALEZ-Hernandez, a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Title 8 of the United States Code 1326, Deported Alien found in the United States.